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10/804,333	03/18/2004	Takeshi Idemura	1232-5343	7006

  

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MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101		

  

EXAMINER	
KHAN, USMAN A	

  

ART UNIT	PAPER NUMBER
2622	

  

NOTIFICATION DATE	DELIVERY MODE
10/18/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

Application No.

10/804,333

Applicant(s)

IDEMURA ET AL.

Examiner

Usman Khan

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 7, 13, 16 and, 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7, 13, 16 and, 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

***Response to Arguments***

Applicant's arguments filed on 09/14/2007 with respect to claims 7, 13, 16, and 18 have been considered but are moot in view of the new ground(s) of rejection.

Regarding objection to specification provided in the previous office action for failing to provide a descriptive title. Applicant has amended the title of the invention to overcome the objection to the specification.

Regarding objection to claim 16 provided in the previous office action for not starting with "The". Applicant has amended the claim to make the claim independent to overcome the objection to claim 16.

Regarding rejection under 35 U.S.C. 112 provided in the previous office action for claim 11. Applicant has canceled claim 11, hence the rejection is withdrawn.

**DETAILED ACTION**

***Claim Objection***

**Claims 7 and 13** are objected to because of the following informalities: in each of these claims "a display member which displays an information" should be changed to -- a display member which displays information --. Appropriate correction is required.

**Claims 16 and 18** are objected to because of the following informalities: in each of these claims "A device for image-taking, comprising:" should be changed to --A device for image-taking, comprising:--. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7, 13, 16, and, 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaneko et al. (US patent No. 6,466,378).

Regarding **claim 7**, Kaneko et al. teaches an operation apparatus (figure 1 item 16) which is used with a device for image-taking (figure 1 item 30), comprising:

a display member which displays an information concerning a function of the device (figure 3 item 114; also column 5 lines 19 – 39, display 114 provided on the external surface of the case 46 of the drive unit 16);

and a first operation switch for setting the function according to a text information displayed on the display member (figure 1 item 50 or 52; also figure 3 item 114; also column 5 lines 19 – 39, display 114 provided on the external surface of the case 46 of the drive unit 16),

wherein the device is a lens apparatus which has an optical adjusting member (figure 1 item 30),

and the operation apparatus is a drive unit which has a second operation switch for driving the optical adjusting member (figure 1 items 32, 34, and/or 36; column 2 line 51 to column 3 line 20),

wherein, by operating the first operation switch, a parameter which decides the relationship between the driving speed of the optical adjusting member and the operation amount of the second operation switch can be set (figure 1 item 44; changes rate associated with items 32, 34, and/or 36).

Regarding **claim 13**, Kaneko et al. teaches an operation apparatus (figure 1 item 16) which is used with a device for image-taking (figure 1 item 30), comprising:

a display member which displays an information concerning a function of the device (figure 3 item 114; also column 5 lines 19 – 39, display 114 provided on the external surface of the case 46 of the drive unit 16);

and a first operation switch for setting the function according to a text information displayed on the display member (figure 1 item 50 or 52; also figure 3 item 114; also column 5 lines 19 – 39, display 114 provided on the external surface of the case 46 of the drive unit 16),

wherein the operation apparatus has a function in which at least **one of a plurality of functions** having the device is allocated to a third operation switch

Art Unit: 2622

provided on the operation apparatus by operating the first operation switch (figure 1 item 44; changes rate associated with items 32, 34, and/or 36).

Regarding **claim 16**, Kaneko et al. teaches a device for image-taking, comprising: the operation apparatus according to claim 7 (see discussion of claim 7 above); and an optical adjusting member (column 2 lines 60 – 65; focus lens, zoom lens, and/or iris).

Regarding **claim 18**, Kaneko et al. teaches a device for image-taking, comprising: the operation apparatus according to claim 13 (see discussion of claim 13 above); and an optical adjusting member (column 2 lines 60 – 65; focus lens, zoom lens, and/or iris).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 13, 16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneko et al. (US patent No. 6,035,137) in further view of Sawachi (US PgPub No. 2002/0030744).

Regarding **claim 7**, Kaneko et al. teaches an operation apparatus (figure 1 item 1) which is used with a device for image-taking (figure 1 item 2), comprising:

wherein the device is a lens apparatus which has an optical adjusting member (figure 1 item 2),

and the operation apparatus is a drive unit which has a second operation switch for driving the optical adjusting member (figure 1 item 6; column 3 line 31 to column 4 line 13),

wherein, by operating the first operation switch, a parameter which decides the relationship between the driving speed of the optical adjusting member and the operation amount of the second operation switch can be set (figure 1 item 22; changes rate associated with items 4, 6, and /or 8).

Kaneko et al. teaches most of the limitations of claim 7, However Kaneko et al. fails to teach a display member which displays an information concerning a function of the device; and a first operation switch for setting the function according to a text information displayed on the display member.

Sawachi, on the other hand teaches teach a display member which displays an information concerning a function of the device; and a first operation switch for setting the function according to a text information displayed on the display member.

More specifically, Sawachi teaches a display member which displays an information concerning a function of the device (figure 4 item 104); and a first operation switch for setting the function according to a text information displayed on the display member (figure 4 item 13 with directional pad).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the teachings of Sawachi with the teachings of Kaneko et al. because as stated in paragraph 0106 Sawachi teaches that the invention provides a portable multi-function apparatus that can control a camera operation and an audio operation by a compact operation member with excellent operability.

Regarding **claim 13**, Kaneko et al. teaches Kaneko et al. teaches an operation apparatus (figure 1 item 1) which is used with a device for image-taking (figure 1 item 2), comprising:

wherein the operation apparatus has a function in which **at least one of a plurality of** functions having the device is allocated to a third operation switch provided on the operation apparatus by operating the first operation switch (figure 1 item 22; changes rate associated with items 4, 6, and /or 8).

Kaneko et al. teaches most of the limitations of claim 13, However Kaneko et al. fails to teach a display member which displays an information concerning a function of the device; and a first operation switch for setting the function according to a text information displayed on the display member.

Sawachi, on the other hand teaches teach a display member which displays an information concerning a function of the device; and a first operation switch for setting the function according to a text information displayed on the display member.

More specifically, Sawachi teaches a display member which displays an information concerning a function of the device (figure 4 item 104); and a first operation



Art Unit: 2622

switch for setting the function according to a text information displayed on the display member (figure 4 item 13 with directional pad).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the teachings of Sawachi with the teachings of Kaneko et al. because as stated in paragraph 0106 Sawachi teaches that the invention provides a portable multi-function apparatus that can control a camera operation and an audio operation by a compact operation member with excellent operability.

Regarding **claim 16**, Kaneko et al. in further view of Sawachi teaches a device for image-taking, comprising: the operation apparatus according to claim 7 (see discussion of claim 7 above); and an optical adjusting member (column 3 lines 46 - 56; focus lens, zoom lens, and/or iris).

Regarding **claim 18**, Kaneko et al. in further view of Sawachi teaches a device for image-taking, comprising: the operation apparatus according to claim 13 (see discussion of claim 13 above); and an optical adjusting member (column 3 lines 46 - 56; focus lens, zoom lens, and/or iris).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usman Khan whose telephone number is (571) 270-1131. The examiner can normally be reached on Mon-Thru 6:45-4:15; Fri 6:45-3:15 or Alt. Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Usman Khan  
10/01/2007  
Patent Examiner  
Art Unit 2622



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